

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**ENTERED**

August 04, 2016

David J. Bradley, Clerk

HUMBERTO RODRIGUEZ, JR.,
Petitioner

VS.

WILLIAM STEPHENS, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION
Respondent§
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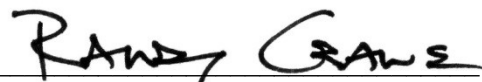
CIVIL ACTION NO. 7:15-CV-113

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner's action pursuant to 28 U.S.C. § 2254(g), which motion had been referred to the Magistrate Court for a report and recommendation. Also pending are Respondent's Motion for Summary Judgment, and Petitioner's objections to the Report and Recommendation. On June 29, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's Motion for Summary Judgment be granted to the extent it is consistent with the Report, and that Petitioner's claims under 28 U.S.C. § 2254 be denied and dismissed with prejudice.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Respondent's Motion for Summary Judgment (Dkt. Entry No. 19) is **GRANTED** to the extent it is consistent with the Magistrate's Report, Petitioner's 28 U.S.C. § 2254 claims are **DENIED** and **DISMISSED** with prejudice, and a Certificate of Appealability is **DENIED**.

SO ORDERED this 4th day of August, 2016, at McAllen, Texas.



Randy Crane
United States District Judge